

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

2006 MAR - 8 A 11: 14

DISTRICT OF UTAH

BY: 6
DEPUTY CLERK

ALAN C. J. LERWICK,

Plaintiff,

vs.

JAN M. LERWICK and SECURITY
DEPARTMENT OF SALT LAKE L.D.S.
TEMPLE,

Defendants.

ORDER ADOPTING
REPORT & RECOMMENDATION

Case No. 2:06 CV 33 TC

Plaintiff Alan C. J. Lerwick has filed a *pro se* civil rights action under 42 U.S.C. §1983. Plaintiff claims he suffered mental and emotional pain when he was escorted out of the Salt Lake LDS Temple by temple security on December 13, 2003. The basis for Plaintiff Lerwick's removal was a protective order against Plaintiff prohibiting Plaintiff from directly or indirectly contacting harassing, telephoning, or otherwise communicating with Defendant Lerwick. Plaintiff further alleges that his "valid LDS temple reccomend [sic] was invalidated by protective order for 13 Dec 2003."

On January 13, 2006, the case was referred to United States Chief Magistrate Judge Samuel Alba pursuant to 28 U.S.C. § 636(b)(1)(B). On February 7, 2006, Judge Alba issued a Report and Recommendation (the "R&R") recommending dismissal of Mr. Lerwick's complaint

pursuant to 28 U.S.C. § 195(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. The parties were given ten days to file objections to the R&R and were cautioned that failure to file objections could constitute a waiver of those objections on subsequent appellate review. There were no objections to the R&R.

The court has conducted a *de novo* review of the issues and agrees with Judge Alba's recommendation. Accordingly, the Report and Recommendation is adopted as the order of this court. Plaintiff's complaint is dismissed for failure to state a claim upon which relief may be granted.

DATED this 7th day of March, 2006.

BY THE COURT:



TENA CAMPBELL
United States District Judge